

# Case Note: Arise Rockingham and Presiding Member of Metro South West JDAP

## Building height and development on prominent city centre site

In *Arise Rockingham and Presiding Member of Metro South West JDAP* [2019] WASAT 64 the Tribunal affirmed a decision by the JDAP to refuse an application for development on a city centre site designated as a gateway and a prominent corner. One of the key considerations was “...whether the proposed building is of an appropriate height, scale and number of storeys given its location” [40] having regard to [LPP 3.2.12](#) for gateway locations and prominent corner sites.

The Tribunal noted that the LPP “specifies a minimum building height of three storeys for nominated prominent corner sites” [65]. It was argued by the applicant that one of the proposed architectural elements contributes to a building height of 13.1 metres and therefore, the development meets the required building height of three storeys.

However, the Tribunal noted that “the proposed development is largely one storey” [66] and that while “LPP 3.2.12 does not impose a minimum height in metres for prominent corner sites, we are not satisfied that this has any relevance in the context where the policy does clearly specify a minimum height for buildings on such sites in terms of storeys” [67]. The Tribunal was “not persuaded that additional height created by the use of a two-dimensional architectural element means that the building will be read as a three storey building” [68].

The Tribunal also stated that “the lack of distinctiveness, as well as the lack of height, bulk and scale, do not deliver the place-making aims for a prominent corner site” [80] and that “...(t)he proposed development does not in any way provide a landmark as contemplated by LPP 3.2.12 for gateway locations” [81].